

FILED

FEB 25 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLANDIN THE UNITED STATES DISTRICT COURT  
~~FOR THE EASTERN DISTRICT OF CALIFORNIA~~  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EC-C-3-123

HIGH DESERT STATE PRISON

P.O. BOX 3030

SUSANVILLE, CA. 96127

MALIK JONES  
PLAINTIFF

VS.

MIKE EVANS, et al.,  
DEFENDANTSMOTION MOVING  
FOR DEFAULT JUDGMENT

CASE NO. CV-04277-CW

PLAINTIFF MALIK JONES DECLARES UNDER PENALTY OF PERJURY, DEPOSES AND STATES:

1. I AM PRO SE PLAINTIFF IN ABOVE ENTITLED MATTER.
2. THE DEFENDANTS WERE SERVED A COPY OF SUMMONS, COMPLAINT, TRO/PELIMINARY INJUNCTION AND SUMMARY JUDGMENT MOTION, AS APPEARS FROM THE CAND-ECF DOCKET TEXT ON FILE BY THE COURT.
3. THE DEFENDANTS HAVE NOT FILED OR SERVED AN ANSWER OR TAKEN OTHER ACTION AS MAY BE PERMITTED BY LAW. ALTHOUGH MORE THEN 6 MONTHS HAS PASSED SINCE COMPLAINT WAS FILED ON "8-20-07" FOR DEFENDANTS TO RESPOND, MORE THEN 65 DAYS HAS PASSED FOR DEFENDANTS TO RESPOND TO TRO/PELIMINARY INJUNCTION "FILED ON 11-29-07" MORE THEN 30 DAYS PLUS HAVE PASSED FOR DEFENDANTS TO RESPOND TO MOTION FOR SUMMARY JUDGMENT AND DEFENDANTS HAVE FAILED TO RESPOND TO SUMMONS, COMPLAINT OR ANY OF STATED MOTIONS. AND OUT OF COURTESY GAVE COURT DISCRETION TO ACT ON FIRST TWO MOTIONS AND SERVE IT ON DEFENDANTS TO RESPOND TO THE ON A REASONABLE MOTION CALANDER. AND THE MOTION FOR SUMMARY JUDGMENT PLAINTIFF WENT A STEP FURTHER AND SENT DEFENDANTS ATTORNEY A COPY OF MOTION.
4. PLAINTIFF MALIK JONES MOVES THE COURT TO ENTER A DEFAULT JUDGMENT AGAINST "ALL" DEFENDANTS IN THIS CASE FOR FAILURE TO ANSWER
5. BASED ON THE FACTS OF DEFENDANTS CONSTANT WORK HOURS AS OFFICER AT (SVSP) "SALINAS VALLEY STATE PRISON". PLAINTIFF IS CONVINCED THAT DEFENDANTS IN ENTITLED MATTER CASE, ARE NOT IN THE MILITARY SERVICE OF THE UNITED STATES.

Case 4:07-cv-04277-CW Document 12 Filed 02/25/2008 Page 2 of 3  
WHEREFORE PLAINTIFF RESPECTFULLY ASK THE COURT TO ENTER  
Default Judgment With Prejudice:

1. Given Defendants 20 motion calendar days to respond to motion for default in connection with summons, complaint, TRO/preliminary motion, and motion for summary judgment and their repeated failures to respond.
2. for the court to order defendants to respond to default motion in 20 motion calendar days after court files motion and defendants receive motion for default judgment.
3. As defendants have failed and never filed a responsive pleading for the court to serve defendants "all" documents in connection with motion for default judgment after court has received this motion to be filed.

2-18-08

DATE

Malik Jones

NAME

[Signature]  
signature

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MAIK Jones  
Plaintiff

Mike EVANS et al.,  
Defendants

Case Number: CV-04277-CW

PROOF OF SERVICE

I, the undersigned, hereby certify that I am over the age of eighteen years and not a party to the above-entitled action.

On February, \_\_\_\_\_, 2008, I served a copy of MOTION MOVING  
for Default Judgment,

by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the United States Mail:

(LIST ALL DEFENDANTS SERVED IN THIS ACTION)

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
1301 CLAY ST., SUITE 400S  
OAKLAND, CA. 94612

AND AS DEFENDANTS IN ENTITLED MATTER HAVE FAILED TO SERVE A RESPONSIVE ANSWER, PLAINTIFF ASK THE COURT TO SERVE "ALL" DEFENDANTS IN STATE CASE AS STATED IN MOTION MOVING FOR DEFAULT.

I declare under penalty of perjury that the foregoing is true and correct.

DATE 2-18-08

 